

United States House of Representatives Office of the Majority Whip The Honorable James E. Clyburn (SC-06)

THE WHIP PACK

WEEK OF SEPTEMBER 15, 2008

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Bill Text and Background for the Week of September 15, 2008

- H.R. 3036 No Child Left Inside Act of 2008
- H.R. 6842 National Capital Security and Safety Act
- H.R. ___ Comprehensive American Energy Security and Consumer Protection Act

<u>H.R. 3036 – NO CHILD LEFT INSIDE ACT OF 2008</u> (Rep. Sarbanes – Education and Labor) (Subject to Rule)

Bill Text: HTML Version, PDF Version

Bill Summary and Status

Rules Committee Meeting: TBA, Special Announcement, Meeting Time: 5:00pm Monday 9/8, Amendment Deadline: 10am Monday 9/8, Summary and Text of

Amendments Submitted

Committee: Committee on Education and Labor

Committee Staff Contact: 5-3725

LEGISLATION AT A GLANCE:

H.R. 3036 - NO CHILD LEFT INSIDE

The No Child Left Inside Act will help take our nation's environmental education programs into the 21st century. The legislation will help enhance teacher training and professional development for teachers in environmental education and provide funds to help expand environmental education in schools.

Specifically, H.R. 3036:

- ✓ Extends the National Environmental Education Act's (NEEA) authorization through FY 2009 at \$14,000,000.
- ✓ Amends the Environmental Education and Training Program (EETP) by requiring the Administrator of the Environmental Protection Agency (EPA) to consult with the Secretary of Education to make grants for professional development.
- ✓ Enhances EETP to provide opportunities for ongoing professional development in environmental education, including:
 - bringing teachers into contact with working professionals in environmental fields;
 - supporting environmental education distance learning programs for teachers;
 - promoting environmental education summer workshops or institutes for teachers; and
 - Encouraging mid-career environmental professionals to pursue careers in environmental education.
- ✓ Establishes the National Capacity Environmental Education Grant Program (NCEEG) with a separate authorization of such sums for FY 2009. Authorizes the Secretary of Education to award 1-3 year competitive grants to non-profit organizations, State educational agencies (SEA), local educational agencies (LEA), or institutions of higher education to:
 - develop and implement State academic content standards, student academic achievement standards, and State curriculum frameworks in environmental education;
 - develop State Environmental Literacy Plans;

- replicate or disseminate information about proven model environmental education programs;
- develop and implement new policy approaches to advance environmental education at the State and national level;
- conduct studies that evaluate the effectiveness of teaching environmental education as a separate subject, as an integrating concept, or to help students improve their assessment scores;
- increase adoption of environmental content standards by States and school districts, including adoption and use of standards in textbook selection criteria; and
- develop evidence-based approaches to build capacity to increase the number of K-12 environmental educators.
- ✓ Requires an SEA receiving an NCEEG grant to either have a State environmental literacy plan in place or if they do not have a plan in place, use funds received under the grant program to develop a plan.

House Report 110-754:

HTML Version, PDF Version

Full Committee on Education and Labor Mark-up:

Full Committee Markup: H.R.3195 "ADA Restoration Act of 2007," H.R. 2343 "Education Begins At Home Act," and H.R.3036 "No Child Left Inside Act of 2007", June 18, 2008

Opening Statement: Chairman George Miller

Summary of Committee Votes:

- Rep. Castle, R-Del. Quality Measures Amendment to the Miller Substitute
 Amendment (Amendment Text) Requires the Administrator of the EPA, the
 Secretary of Education, and the National Environmental Education Foundation to
 establish indicators of program quality for the programs under the National
 Environmental Education Act. Adopted by Voice Vote.
- Rep. J. Sarbanes, D-Md Scientific Method Amendment to the Miller Substitute
 Amendment (Amendment Text) Made technical edits to the amendment in the
 nature of a substitute and includes definitions for scientifically valid research and
 principles of scientific research. Adopted by Voice Vote.
- Rep. Ehlers, R-Mich. En Bloc Amendments to the Miller Substitute Amendment
 (Amendment Text) Added a scientific focus as a goal of the programs in the
 measure and includes coordination with existing federal programs for teacher training
 in environmental education. Adopted, En Bloc, by Voice Vote.
- Rep. Holt, D-N.J. and Rep. Souder, R-Ind. National Parks Amendment to the Miller Substitute Amendment (Amendment Text) Encourages the use of educational programs offered by the states in conjunction with the national parks as programs eligible for grants under the measure. Adopted by Voice Vote.
- Rep. T. Bishop, D-N.Y. Recycling Programs Amendment to the Miller Substitute
 Amendment (Amendment Text) Allows schools to use grant money in the measure to teach children about recycling. Adopted by Voice Vote.

- Rep. Souder, R-Ind. Energy Resources Information Amendment to the Miller
 Substitute Amendment (Amendment Text) Included in the measure a provision for teachers to focus not only on conservation but the need for the country to balance conservation with American-based energy resources. Adopted by Voice Vote.
- Rep. T. Price, R-Ga. Restrictions on Federal Funds Amendment to the Miller Substitute Amendment (Amendment Text) Clarified that federal funds may not be used to mandate, direct, or control a state or local educational agency, a school's curriculum or program of instruction, or a state's allocation of funds. It further prohibits the use of funds to endorse, approve or sanction any curriculum. In addition, the amendment states that the federal government may not require states to have specified standards approved by the federal government as a condition of receiving grants. The amendment requires the Secretary to ensure that all activities under this Act be free of partisan political influences. Adopted by Voice Vote.
- Rep. T. Price, R-Ga. Energy Policy Amendment to the Miller Substitute Amendment
 — Would have included in the bill an emphasis on the development of new energy policies, focusing on the reduction of gas prices. Rejected 13-28: R 13-3; D 0-25; I 0-0.
- Rep. Clarke, D-N.Y. Environmental Justice Programs Amendment to the Miller
 <u>Substitute Amendment (Amendment Text)</u> Amendment, as amended, allows grants in the measure to be used for "environmental justice" programs that would teach high school children about the special environmental problems facing low-income areas.

 Adopted, as Amended, 27-18: R 1-18; D 26-0; I 0-0 (roll call).
 - Chairman. Miller Strike Priority Language Amendment to the Clarke

 Amendment Removed from the Clarke amendment a provision that would
 give priority in funding for environmental justice programs to inner-city
 schools. The Clarke amendment would give grants to urban schools for
 environmental justice programs that would allow kids to focus on
 environmental problems specific to low-income areas. Adopted Without
 Objection.
- George Miller, D-Calif. Substitute Amendment (Amendment Text) Amendment that, as amended, creates a new competitive grant program intended to encourage nonprofits, state and local governments, and institutes of higher education to develop and implement academic standards and state curriculum frameworks for environmental education. States or organizations that create environmental literacy plans, detailing how all graduates will be environmentally literate, would be eligible for the funding. The amendment also authorizes funding to extend the National Environmental Education Act at \$14 million in fiscal 2009. As amended, it encourages the use of educational programs offered by the states in conjunction with the national parks as programs eligible for grants under the measure. It also allows schools to use grant money in the measure to teach children about recycling and states that nothing in the bill can be construed as authorizing the federal government to mandate, direct or control state and local education agencies. It also would allow grants in the measure to be used for "environmental justice" programs that would teach high school children about the special environmental problems facing low-income areas. Adopted, as Amended, by Voice Vote.
- Vote to Report: Favorably Reported to the Full House, as Amended, by a Roll Call Vote of 37-8: R 11-8; D 26-0; I 0-0 (roll call vote).

CRS Report:

<u>97-97</u>: National Environmental Education Act of 1990: Overview, Implementation, and Issues for Congress

GAO Reports:

(TBA)

CBO Report:

Cost Estimate: Ordered Reported by the Committee on Education and Labor

Subcommittee on Early Childhood, Elementary, and Secondary Education Hearing:

"Environmental Education: Teaching Our Children To Preserve Our Future" >>

April 22, 2008 Hearing — Subcommittee on Early Childhood, Elementary, and Secondary Education, Committee on Education and Labor

- Opening Statement: Chairman Miller
- Archived Webcast

Witness Testimony:

- Governor Martin O'Malley, State of Maryland
- Dr. Nancy S. Grasmick, Superintendent, Maryland State Department of Education
- Ms. Karen Harris, Principal, Pot Spring Elementary School, Timonium, Maryland
- <u>Dr. Oliver Pergams</u>, Conservation Biologist, Department of Biological Sciences, University of Illinois at Chicago
- <u>Dr. Robert Lawrence</u>, Director, Center for a Livable Future, Johns Hopkins Bloomberg School of Public Health
- Mr. Sean Davidson, Co-founder, Greenlight Biofuels, Columbia, Maryland

Organization Statements:

H.R. 3036 is supported by a <u>broad coalition of environmental and education</u> organizations, including:

- American Recreation Coalition
- Association of Fish and Wildlife Agencies
- Association of Zoos and Aquariums
- League of Conservation Voters
- National Council for Science and the Environment
- National Education Association
- National Parks Conservation Association
- National Science Teachers Association
- National Wildlife Federation
- North American Association of Environmental Education
- Outdoor Industry Association
- Wilderness Education Association
- Wildlife Conservation Society
- YMCA of the USA

Administration Position:

(TBA)

Fact Sheets & Talking Points:

H.R. 3036 Summary — Committee on Education and Labor H.R. 3036 Web Page — Committee on Education and Labor

Press Releases, News Articles & Related Information:

(TBA)

Other Resources:

Cosponsors of H.R. 3036

H.R. 6842 - NATIONAL CAPITAL SECURITY AND SAFETY ACT (Rep. Norton – Oversight and Government Reform) (Subject to a Rule)

Bill Text: HTML Version, PDF Version

Bill Summary and Status

Rules Committee Meeting: Monday, September 15, 2008 at 5:00 p.m. in H-313 the Capitol, Special Announcement, Meeting Time: 5pm Monday 9/15, Text of the Bill as

Ordered Reported

Committee: Committee on Oversight and Government Reform

Committee Staff Contact: 5-5051

LEGISLATION AT A GLANCE:

NATIONAL CAPITAL SECURITY AND SAFETY ACT

Findings

This section includes findings of Congress including the following:

- The District of Columbia is a local self-governing jurisdiction and the seat of the United States government, with unique federal responsibilities;
- The President, the Vice President, and many cabinet and other federal officials reside in the District of Columbia; and
- Unregulated firearms in the capital would preclude the ability of the Metropolitan
 Police Department to track guns through registration and otherwise to help ensure
 that guns do not endanger federal officials and employees, visiting dignitaries, and
 other individuals.

Revision of District of Columbia Firearms Laws

- Requires the District of Columbia, within six months after enactment, to revise its laws governing the possession and use of firearms as necessary to comply with the decision of the Supreme Court in <u>District of Columbia v. Heller</u>.
- Amends the Firearms Control Regulations Act of 1975 by adding a new section requiring the Mayor and the Council of the District of Columbia to ensure that the District's firearms laws are consistent with Heller.

House Report 110-:

HTML Version, PDF Version

Full Committee on Oversight and Government Reform Mark-up:

Mark-up of H.R. 6842: National Capital Security and Safety Act, September 10, 2008

- Opening Statement: Chairman Waxman
- <u>National Journal Report</u>: Bill Seeking To Repeal D.C. Gun Laws Clears House Oversight

Summary of Committee Votes:

- Rep. Issa, R-Calif. Criteria for Revisions Amendment (Amendment Text) Struck the language in the bill as introduced that would have required that revisions to the District of Columbia's firearms laws be based on specific criteria including the need to ensure the safety and security of the capital, including federal buildings, federal employees, and District residents and visitors, the need to ensure that the revisions will not interfere with the operations of federal and local law enforcement officials, and the need to ensure that the revisions will not compromise the ability of local and federal homeland security and military officials to carry out their duties to protect the capital from terrorism. Under the Issa amendment, the District is not prohibited from considering these criteria but the District is not required to do so. Adopted by Voice Vote.
- Vote to Report: Favorably Reported to the Full House, as Amended, by Roll Call Vote of 21-1: R 3-1; D 18-0; I 0-0.

CRS Reports:

(TBA)

GAO Reports:

(TBA)

CBO Report:

<u>Cost Estimate</u>: Ordered Reported by the Committee on Oversight and Government Reform

Committee on Oversight and Government Reform Hearing:

Impact of Proposed Legislation on the District of Columbia's Gun Laws >> September 9, 2008 — Committee on Oversight and Government Reform

- Opening Statement: <u>Chairman Waxman</u>
- Video of the Hearing; Legislative Analysis of H.R. 6691

Witness Testimony:

- Cathy Lanier, Chief, District of Columbia Police Department
- Phillip D. Morse, Sr., Chief, United States Capitol Police
- Kevin C. Hay, Deputy Chief, United States Park Police
- Robert Campbell, Director of Security, Washington Nationals Baseball Club

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

(TBA)

Press Releases, News Articles & Related Information:

Norton Win in Committee on Anti-Home Rule Gun Bill Shortens Odds and Prepares Her for Big Floor Fight Ahead, Congresswoman Eleanor Holmes Norton, September 10, 2008

Other Resources:

Cosponsors of H.R. 6842

H.R. ___ - COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT (Rep. Rahall/Rep. Gene Green (TX)/Rep. George Miller (CA) – Natural Resources/Energy and Commerce/Ways and Means) (Subject to a Rule)

LEGISLATION AT A GLANCE:

COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

The comprehensive Democratic plan expands domestic and renewable sources of energy to increase our security, ends subsidies to the oil companies, promotes good jobs here in America, and requires Big Oil to pay what it owes taxpayers. It puts us on us on the path toward energy independence and a clean green energy future through greater energy efficiency and conservation, and protects consumers through with strong action to lower the price you pay at the pump.

The comprehensive and sweeping measure takes strong action to lower the price at the pump releasing a small portion of oil from the government's stockpile, and invests royalties from oil companies owed the American taxpayer in alternative energy technology. The measure commits America to a renewable energy future and jobs by extending and expanding tax incentives for renewable electricity, solar and wind energy, and fuel from America's heartland, as well as for plug-in hybrid cars, while requiring 15% of American electricity to come from renewable energy. It includes a compromise to responsibly open up the Outer Continental Shelf for drilling, with environmental protections, while demanding that Big Oil companies use the leases they have already been issued. It promotes efficiency and conservation that will save consumers billions, with tax incentives and loans for energy efficient homes, buildings, and appliances, and updated efficiency standards for buildings. Many of the provisions have already garnered strong bipartisan majority support on the House Floor.

Lowers Costs to Consumers & Protects Taxpayers

Releasing Oil from the Strategic Petroleum Reserve (SPR Swap)(H.R. 6578, voted on 268-157 with 37 Republicans supporting, Vote 527, 7/24/08)

• Like the bipartisan Abercrombie-Peterson bill, temporarily releases nearly 10 percent of the oil from the government's stockpile (known as the Strategic Petroleum Reserve (SPR)), and replaces it later with heavier, cheaper crude oil.

Royalty Reform: Making Oil Companies Pay Their Fair Share (Passed 3 times including H.R. 6 by a vote of 264-163 with 36 Republicans, Vote 40, 1/18/2007)

- Ensures that oil companies pay their fair share of royalties on flawed leases granted in 1998 and 1999.
- Because of mistakes made by the Interior Department, oil companies holding 70
 percent of leases issued for drilling in the Gulf of Mexico in 1998 and 1999 became
 exempt from paying any royalties, costing American taxpayers about \$15 billion.
- Makes it more efficient for the Interior Department to collect royalty payments from oil and gas companies owed to the American taxpayer. (Passed as part of H.R. 3221)

Additional Royalty Reforms and Accountability for Oil Companies

 Adds a new requirement that it must be in the fiduciary interest of the federal government for oil companies to be permitted to make Royalty In Kind, instead of cash, payments to the government.

Restoring Accountability and Integrity in Oil Leasing at the Mineral Management Service

- According to the Inspector General, a "culture of ethical failure" and a "culture of substance abuse and promiscuity" existed among Minerals Management Service (MMS) employees. Among the unethical practices described by the IG:
 - Accepting gifts, meals, and drinks from oil industry representatives was common practice;
 - o Illegal drug use among employees; and
 - Sexual relationships between MMS employees and representatives of oil companies – the very industry with which the agency does business.
 - Violations of federal procurement regulations, which clearly put taxpayer dollars at risk, such as steering lucrative contracts to former employees in the private sector.
- The House Democrats Energy bill takes aggressive steps to crack down on the
 extreme misconduct at the Mineral Management Service the agency charged with
 collecting royalties from oil and gas companies, which is one of the largest sources of
 revenue for the federal government after taxes.
 - Prohibits Minerals Management Service (MMS) employees from accepting gifts or from seeking employment from companies or individuals who do business or are seeking to do business with MMS.
 - Requires the Secretary of Interior to develop a code of ethics for MMS employees, and to implement a robust ethics training program for all MMS employees and a random drug testing program for royalty-in-kind MMS employees.
 - Makes it a federal crime for companies which hold or seek leases from MMS to engage in a course of conduct consisting of providing things of value to MMS employees, and for MMS employees (and those selected to be MMS employees) to engage in a course of conduct consisting of receiving things of value from lease holders or those seeking leases. Violators would be subject to a prison term of up to 2 years. Corporations would be subject to criminal and civil penalties of up to \$25 million and an amount equal to gross revenues from the lease or leases that were the subject of the violation. In addition, if civil liability is established, the Government may terminate the lease or leases.
 - Strengthens the ability of Inspector Generals to secure cooperation in their investigations by providing them the authority to compel testimony from corporations and individuals.

Renewable Energy Future, Creating American Jobs

Renewable Energy Tax Credit Package (similar to provisions passed in H.R. 5351, passed with bipartisan support, 236-182, Vote 84 2/27/08 and H.R. 6049, passed 263-160, with 35 Republicans votes, Vote 344, 5/21/08)

- Includes \$18 billion in tax cuts to spur green jobs and American energy independence, including:
 - Eight-year extension of the investment tax credit (ITC) for solar energy and fuel cells.
 - Three-year extension of the production tax credit (PTC) for energy derived from biomass, geothermal, hydropower, landfill gas and solid waste.
 - o One-year extension of the PTC for energy derived from wind.
 - Clean renewable energy bonds for electric cooperatives and public power.
 - Incentives for the production of homegrown renewable fuels and tax credits for the purchase of fuel-efficient, plug-in hybrid vehicles.
 - Incentives for energy conservation for individual businesses and state and local governments.
- Includes a scaled-backed provision that repeal a giveaway in the 2004 international tax bill (H.R. 4520) for major integrated oil and gas companies. Small, independent oil and gas companies would continue to benefit from the deduction at the current rate.
- Closes a tax loophole identified by the non-partisan Joint Committee on Taxation that allows big oil and gas companies operating overseas to game the system by understating their foreign oil and gas extraction income.

Strategic Energy Efficiency and Renewables Reserve (Passed as part of H.R. 6 by a vote of 264-163 with 36 Republicans, Vote 40, 1/18/2007)

- Creates a "Strategic Energy Efficiency and Renewables Reserve."
- The Reserve would be available to pay for subsequent legislation to:
 - Accelerate the use of clean domestic renewable energy resources and alternative fuels;
 - Promote the utilization of energy-efficient products and practices and conservation;
 - Increase research, development, and deployment of clean renewable energy and energy efficiency technologies;
 - Fund the Land and Water Conservation Fund, Low Income Home Energy Assistance (LIHEAP), and Weatherization, and Carbon Capture and Sequestration.*
- Money for the fund would come from royalty reforms that fix 98/99 royalty leases to protect the American taxpayer.

Renewable Electricity Standard (Amendment to H.R. 3221, passed by the House with 32 Republicans supporting, Vote 827, 8/4/07)

- Establishes a 15 percent national renewable electricity standard (RES). This marketbased mechanism will require electric utilities to use renewable energy to generate 15 percent of their electricity or to purchase renewable energy credits from others to meet this standard by 2020.
- Saves consumers \$13-18 billion cumulatively by 2020, bringing down costs in all 50 states.
- More than one-half of the states have already enacted a renewable energy standard.
- Exempts municipal and other publicly-owned power plants, federal agencies and rural electric coops and small private utilities.
- Permits utilities to use energy efficiency savings to meet up to 4 percent of their targeted 15 percent.

Renewable Fuels Standard Sense of Congress

 Includes sense of Congress language noting that the current definition of renewable biomass in the Renewable Fuel Standard (RFS) could be modified, reflecting that cellulosic biofuels should be produced from a highly diverse array of feedstocks, allowing every region of the country to be a potential producer.

Expanding Domestic Energy Supply

Responsible Compromise on Drilling on the Outer Continental Shelf

- The ending of the current moratorium allows drilling 3 miles offshore.
- The bill permits leasing between **50 and 100 miles** offshore if a **State 'opts-in'** to allow leasing off its coast by enacting legislation signed by the Governor. (States can also make a decision via referendum, at their discretion.)
- Environmental Protections: National marine monuments and national marine sanctuaries are permanently withdrawn from oil and gas leasing. All leasing activities must protect the coastal, marine and human environment of the State coastal zones and OCS.
- DOD authority to designate national defense areas remains in force and leasing must also take place in accordance with a Memorandum of Agreement between the Defense and Interior Departments.
- Makes no changes to the 2006 law on leasing and moratorium areas in the Eastern Gulf of Mexico (GOMESA).
- The remaining Outer Continental Shelf beyond 100 miles would be open to oil and gas leasing.
- Does not include revenue-sharing with the states.

Increase Domestic Oil Production Across America and in Alaska (DRILL Act, H.R. 6515, garnered 244-173 with 26 Republicans voting in support – Vote 511, 7/17/08)

- Incorporates a modified version of the "Use It" legislation that creates more stringent requirements that oil companies produce oil during the initial term of their lease.
- Mandates annual lease sales in the National Petroleum Reserve in Alaska (NPR-A) to speed its development and oil production.
- Bans export of Alaskan oil outside the U.S.
- Calls on the Bush Administration to facilitate completion of the oil pipeline infrastructure into the NPR-A, and to facilitate the construction of the Alaska Natural Gas Pipeline, which could create up to 100,000 jobs.

Natural Gas Vehicles (Emanuel provisions)

Sets a goal of increasing the use of new natural gas powered vehicles and includes
tax incentives, such as doubling a tax credit for homeowners to install natural gas
refueling equipment and expands financing mechanisms for service stations to install
natural gas pumps. Also requires service stations owned by major integrated oil
companies to install at least one "alternative fuel pump"—such as natural gas or E85.

Greater Energy Efficiency & Conservation

Strengthening Energy Efficiency Codes for Buildings (passed as part of H.R. 3221)

- Calls on the Energy Department and states to update energy codes for new buildings, so that new residential and commercial buildings will have to realize a 30 percent improvement in minimum building standards by 2010, and 50 percent by 2020.
- Could save consumers at least \$210 billion through 2030.

Incentives for Energy Efficient Homes (H.R. 6078, Rep. Perlmutter)

- Provides incentives to lenders and financial institutions, including the Federal Housing Administration, to provide lower interest loans and other benefits to consumers who build, buy or remodel their homes to improve their energy efficiency.
- Establishes a residential energy efficiency block grant program to improve the energy efficiency of housing.

Saving Energy Through Public Transportation Act (H.R. 6052, passed by a vote 322-98, with 91 Republicans, Vote 467, 6/26/08)

Reduces transit fares for commuter rail and buses and expands service through \$1.7 billion in grants to transit agencies for the next two years. These funds could also be used for the escalating operating costs of public transportation and would be available to both rural and urban areas.

House Report 110-:

HTML Version, PDF Version

CRS Reports:

(TBA)

GAO Reports:

(TBA)

CBO Report:

(TBA)

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

Rising Gas & Energy Prices Page — Speaker Pelosi Energy and Gas Price Clearinghouse — Majority Leader Hoyer

Press Releases, News Articles & Related Information:

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Other Resources:

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